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Atari Interactive, Inc.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

12 ATARI INTERACTIVE, INC.,

13 Plaintiff,

14 vs.

15 REDBUBBLE, INC.,

16 Defendant.

17 AND RELATED ACTIONS

Case No. 4:18-cv-03451-JST

[*Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST; and 4:19-cv-00264-JST*]

**DECLARATION OF TERRI WALTERS IN
SUPPORT OF ATARI INTERACTIVE,
INC.'S MOTION FOR SUMMARY
JUDGMENT**

Judge: Hon. Jon S. Tigar
Date: July 8, 2020
Time: 2:00 pm
Crtrm.: 9

DECLARATION OF TERRI WALTERS

1 I, Terri Walters, declare and state as follows:

2 1. I was previously employed as a paralegal for Browne George Ross LLP, counsel of
3 record for Atari Interactive, Inc. in this matter. I was employed in that role during all of the events
4 described herein. I have firsthand, personal knowledge of the facts set forth below and if called as
5 a witness could and would competently testify thereto.

6 2. On September 26, 2019, I placed an order on Redbubble through the
7 redbubble.com website. After placing my order, I was provided an order summary showing the
8 details of my order. I captured a screenshot of that order summary. A true and correct copy of that
9 screenshot is attached hereto as “**Exhibit A.**”

10 3. Upon placing this order, I received shipping confirmation e-mails from Redbubble,
11 confirming that my items were shipped. True and correct copies of two such e-mails, with my
12 personal information redacted, are attached hereto as “**Exhibit B.**”

13 4. My order arrived on or about October 7, 2019. When I received my order, I took
14 pictures of the items as they arrived, and as I unpackaged the items. True and correct copies of
15 photos taken during this process, with my personal information redacted, are attached hereto as
16 “**Exhibit C**”

17 5. On October 25, 2019, I placed another order on Redbubble through the
18 redbubble.com website. To do so, I clicked the “Add to cart” link on the individual items’ product
19 listing pages, then once the desired items were in my shopping cart, I checked out on the
20 Redbubble website. This process included the entry of my personal and shipping information, in
21 addition to my payment information.

22 6. Upon placing my order, I was provided with an order confirmation on the
23 Redbubble website, that among other things, stated that my order was successful, provided that the
24 next step would be that my order would be made and shipped, and confirmed what items I
25 ordered. I captured a screenshot of this order confirmation. A true and correct copy of that
26 screenshot, with my personal information redacted, is attached hereto as “**Exhibit D.**”
27
28

1 7. On October 26, 2019, I received an e-mail from Redbubble confirming my
2 payment for the October 25, 2019 order had been processed. A true and correct copy of this e-
3 mail, with my personal information redacted, is attached hereto as "**Exhibit E.**"

4 8. I ultimately received each order purchased in the October 25, 2019 order, with the
5 packages arriving in similar packaging as my earlier order, as captured in Exhibit C hereto.

6 9. On December 4, 2019, I accessed a product listing on the Redbubble website
7 entitled "Centipede Mural Slim Fit T-Shirt." I captured a screenshot of the product listing. A true
8 and correct copy of that screenshot is attached hereto as "**Exhibit F.**"

9 10. On December 4, 2019, I accessed a product listing on the Redbubble website
10 entitled "Centipede Slim Fit T-Shirt." I captured a screenshot of the product listing. A true and
11 correct copy of that screenshot is attached hereto as "**Exhibit G.**"

12 11. On December 4, 2019, I accessed a product listing on the Redbubble website
13 entitled "Old School Video Game 2 Slim Fit T-Shirt." I captured a screenshot of the product
14 listing. A true and correct copy of that screenshot is attached hereto as "**Exhibit H.**"

15 12. On December 5, 2019, I accessed a product listing on the Redbubble website
16 entitled "OLD SKOOL GAMER Graphic T-Shirt." I captured a screenshot of the product listing.
17 A true and correct copy of that screenshot is attached hereto as "**Exhibit I.**"

18 13. On December 5, 2019, I accessed a product listing on the Redbubble website
19 entitled "80's Video Game Mug." I captured a screenshot of the product listing. A true and correct
20 copy of that screenshot is attached hereto as "**Exhibit J.**"

21 14. On December 5, 2019, I accessed a product listing on the Redbubble website
22 entitled "Pong Slim Fit T-Shirt." I captured a screenshot of the product listing. A true and correct
23 copy of that screenshot is attached hereto as "**Exhibit K.**"

24 Executed this 27th day of April 2020, at Pacoima, California.

25 I declare under penalty of perjury under the laws of the United States of America that the
26 foregoing is true and correct.

27 _____
Terri Walters

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2020, I electronically filed the foregoing **DECLARATION OF TERRI WALTERS IN SUPPORT OF ATARI INTERACTIVE, INC.'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

SERVICE LIST

Atari Interactive, Inc. v. Redbubble Inc.
U.S.D.C. N.D. CA, Oakland Division Case No. 4:18-CV-03451-JST
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST;
and 19-cv-00264-JST]

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